

Kathleen Sullivan (SBN 242261)
kathleensullivan@quinnemanuel.com
QUINN EMANUEL URQUHART &
SULLIVAN LLP
51 Madison Avenue, 22nd Floor
New York, NY 10010
Telephone: (212) 849-7000
Facsimile: (212) 849-7100

Sean S. Pak (SBN 219032)
seanpak@quinnemanuel.com
Amy H. Candido (SBN 237829)
amycandido@quinnemanuel.com
John M. Neukom (SBN 275887)
johnneukom@quinnemanuel.com
QUINN EMANUEL URQUHART &
SULLIVAN LLP
50 California Street, 22nd Floor
San Francisco, CA 94111
Telephone: (415) 875-6600
Facsimile: (415) 875-6700

Steven Cherny (admitted pro hac vice)
steven.cherny@kirkland.com
KIRKLAND & ELLIS LLP
601 Lexington Avenue
New York, New York 10022
Telephone: (212) 446-4800
Facsimile: (212) 446-4900

[Additional counsel listed on signature page]

Attorneys for Plaintiff
CISCO SYSTEMS, INC.

KEKER & VAN NEST LLP
ROBERT A. VAN NEST - # 84065
rvannest@kvn.com
BRIAN L. FERRALL - # 160847
bferrall@kvn.com
DAVID SILBERT - # 173128
dsilbert@kvn.com
MICHAEL S. KWUN - #198945
mkwun@kvn.com
ASHOK RAMANI - # 200020
aramani@kvn.com
633 Battery Street
San Francisco, CA 94111-1809
Telephone: (415) 391-5400

JONATHAN M. JACOBSON, NY # 1350495
jjacobson@wsgr.com
CHUL PAK (pro hac vice)
cpak@wsgr.com
DAVID H. REICHENBERG (pro hac vice)
dreichenberg@wsgr.com
WILSON SONSINI GOODRICH & ROSATI
Professional Corporation
1301 Avenue of the Americas, 40th Floor
New York, NY 10019-6022
Telephone: (212) 999-5800

[Additional counsel listed on signature page]

Attorneys for Defendant
ARISTA NETWORKS, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

CISCO SYSTEMS, INC.,

Plaintiff,

v.

ARISTA NETWORKS, INC.,

Defendant.

Case No. 5:14-cv-05344-BLF (PSG)

**JOINT EXPEDITED MOTION TO
AMEND SCHEDULING ORDER AND
RESCHEDULE DISPOSITIVE MOTION
HEARING**

Judge: Hon. Beth Labson Freeman

Date Filed: December 5, 2014

Trial Date: November 21, 2016

1 Pursuant to Federal Rule of Civil Procedure 16(b)(4) and Civil Local Rule 16-2(d),
2 Plaintiff Cisco Systems, Inc. and Defendant Arista Networks, Inc. hereby jointly move the Court
3 to amend the operative Scheduling Order, ECF No. 160, as detailed below, and to reschedule the
4 hearing date for dispositive motions from August 4, 2016 to August 25, 2016, or another day that
5 week that is convenient for the Court. The requested changes affect discovery deadlines and the
6 dispositive motion hearing date, but preserve a 90-day period (or just a few days less) between the
7 dispositive motion hearing and the trial date, as required by the Court's Standing Order.

8 The parties jointly seek the proposed amendments to the Scheduling Order in order to
9 provide the parties with sufficient additional time to complete liability fact discovery before the
10 parties' liability expert reports are due. Under the current schedule, liability fact discovery closes
11 on April 29 and opening liability expert reports are due May 6. Despite the parties' good faith
12 efforts to serve and respond to discovery requests, produce fact witnesses for deposition, and
13 designate Rule 30(b)(6) corporate representatives, the parties do not believe they can complete
14 liability fact discovery by the April 29 deadline, just nine days from today. Though document
15 discovery is almost complete on both sides, the majority of Rule 30(b)(6) depositions have not yet
16 been taken. The parties have also noticed, but not yet completed, over a dozen fact witness
17 depositions. In addition, several witnesses have personal scheduling issues that will necessitate
18 that their depositions be taken after April 29.

19 Most of the remaining depositions must be completed before opening liability expert
20 reports are due because the parties' experts need to review the testimony so they can incorporate
21 it into their reports. Thus, in order to provide the parties sufficient time to complete liability fact
22 discovery, the liability expert report schedule must be postponed. However, under the current
23 schedule, postponing the liability expert discovery schedule would require postponing the
24 dispositive motion briefing schedule as well.

25 The parties thus jointly respectfully request that the Court reschedule the dispositive
26 motion hearing for August 25, or another day that week, according to the Court's convenience.
27 August 25 is 88 days before the November 21 trial date. This change in hearing date would
28 postpone the dispositive motion briefing schedule, allowing the parties additional time to finish

1 taking the discovery they need for their liability expert reports.

2 This joint motion to amend the case schedule does not affect the trial schedule in this case.
 3 By this motion, neither party seeks to postpone the trial and neither party would agree to any
 4 modification of the Scheduling Order that would result in a continuance of the trial date.

5 The parties' proposed schedule is detailed in the table below.

6	Event	Current Schedule (ECF No. 160)	Proposed Amendments
7	Close of fact discovery (except damages)	April 29, 2016	June 3, 2016
8	Last day to disclose advice of counsel (Patent L.R. 3-7)	50 days after claim construction ruling	
9	Last day to disclose patent liability experts and exchange opening patent liability expert reports	May 6, 2016	June 8, 2016
10	Close of fact discovery (damages)	June 10, 2016	
11	Last day to disclose non-patent liability experts and exchange opening non-patent liability expert reports	May 6, 2016	June 15, 2016
12	Last day to disclose damages experts and exchange opening damages expert reports	June 24, 2016	
13	Last day to exchange liability rebuttal expert reports	May 20, 2016	June 29, 2016
14	Last day to exchange rebuttal damages expert reports	July 8, 2016	
15	Close of liability expert discovery	June 3, 2016	July 13, 2016
16	Last day to file dispositive motions	June 30, 2016	July 21, 2016, or 35 days before dispositive motion hearing date set by the Court
17	Close of damages expert discovery	July 22, 2016	
18	Last day to file <i>Daubert</i> motions	August 5, 2016	
19	<i>Daubert</i> opposition briefs due	August 19, 2016	
20	Last day to hear dispositive motions	August 4, 2016	August 25, 2016, or another date set by the Court
21	<i>Daubert</i> reply briefs due	August 26, 2016	

Event	Current Schedule (ECF No. 160)	Proposed Amendments
<i>Daubert</i> hearing	September 9, 2016	
Last day to meet and confer before the Final Pretrial Conference (Standing Order Jury Trial Sec. A)	September 9, 2016	
Joint Pretrial Statement and Order (Standing Order Jury Trial Sec. B)	September 16, 2016	
Motions <i>in limine</i> (Standing Order Jury Trial Sec. B.4)	September 16, 2016	
Oppositions to Motions <i>in limine</i> (Standing Order Jury Trial Sec. B.4)	October 7, 2016	
Jury Trial Materials due (Standing Order Jury Trial Sec. B.5)	October 21, 2016	
Final Pretrial Conference and Hearing on Motions <i>in limine</i> and <i>Daubert</i> Motions	November 3, 2016	
Trial Briefs	November 11, 2016	
Trial	November 21, 2016	

Respectfully submitted,

Dated: April 20, 2016

By: /s/ Amy H. Candido

Kathleen Sullivan (SBN 242261)
kathleensullivan@quinnemanuel.com
QUINN EMANUEL URQUHART &
SULLIVAN LLP
51 Madison Avenue, 22nd Floor
New York, NY 10010
Telephone: (212) 849-7000
Facsimile: (212) 849-7100

Sean S. Pak (SBN 219032)
seanpak@quinnemanuel.com
Amy H. Candido (SBN 237829)
amycandido@quinnemanuel.com
John M. Neukom (SBN 275887)
johnneukom@quinnemanuel.com.
Matthew D. Cannon (SBN 252666)
matthewcannon@quinnemanuel.com
QUINN EMANUEL URQUHART &
SULLIVAN LLP
50 California Street, 22nd Floor
San Francisco, CA 94111
Telephone: (415) 875-6600
Facsimile: (415) 875-6700

1 Mark Tung (SBN 245782)
2 marktung@quinnemanuel.com
3 QUINN EMANUEL URQUHART &
4 SULLIVAN LLP
5 555 Twin Dolphin Drive, 5th Floor
6 Redwood Shores, CA 94065
7 Telephone: (650) 801-5000
8 Facsimile: (650) 801-5100

9 Steven Cherny (*pro hac vice*)
10 steven.cherny@kirkland.com
11 KIRKLAND & ELLIS LLP
12 601 Lexington Avenue
13 New York, New York 10022
14 Telephone: (212) 446-4800
15 Facsimile: (212) 446-4900

16 Adam R. Alper (SBN 196834)
17 adam.alper@kirkland.com
18 KIRKLAND & ELLIS LLP
19 555 California Street
20 San Francisco, California 94104
21 Telephone: (415) 439-1400
22 Facsimile: (415) 439-1500

23 Michael W. De Vries (SBN 211001)
24 michael.devries@kirkland.com
25 KIRKLAND & ELLIS LLP
26 333 South Hope Street
27 Los Angeles, California 90071
28 Telephone: (213) 680-8400
Facsimile: (213) 680-8500

Attorneys for Plaintiff
CISCO SYSTEMS, INC.

Dated: April 20, 2016

By: /s/ Brian L. Ferrall

KEKER & VAN NEST LLP
ROBERT A. VAN NEST - # 84065
rvannest@kvn.com
BRIAN L. FERRALL - # 160847
bferrall@kvn.com
DAVID J. SILBERT - # 173128
dsilbert@kvn.com
MICHAEL S. KWUN - # 198945
mkwun@kvn.com
633 Battery Street
San Francisco, CA 94111-1809
Telephone: 415 391 5400
Facsimile: 415 397 7188

JONATHAN M. JACOBSON, NY # 1350495
jjacobson@wsgr.com
CHUL PAK (pro hac vice)
cpak@wsgr.com
DAVID H. REICHENBERG (pro hac vice)
dreichenberg@wsgr.com
WILSON SONSINI GOODRICH & ROSATI
Professional Corporation
1301 Avenue of the Americas, 40th Floor
New York, NY 10019-6022
Telephone: (212) 999-5800

SUSAN CREIGHTON, SBN 135528
screighton@wsgr.com
SCOTT A. SHER, SBN 190053
ssher@wsgr.com
WILSON SONSINI GOODRICH & ROSATI
Professional Corporation
1700 K Street NW, Fifth Floor
Washington, D.C., 20006-3817
Telephone: (202) 973-8800

Attorneys for Defendant
ARISTA NETWORKS, INC.

ATTORNEY ATTESTATION

I hereby attest, pursuant to Local Rule 5-1(i)(3), that the concurrence in the filing of this document has been obtained from the signatory indicated by the “conformed” signature (/s/) of Amy H. Candido within this e-filed document.

/s/ Brian L. Ferrall